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Report of the Secretary-General on Cyprus

I. Political background

1. The Security Council will recall that I reported comprehensively on my mission of good offices in Cyprus in 1 April 2003 (S/2003/398). In that report, I stated that, despite the opportunity that had been missed to solve the Cyprus problem, the plan that I had submitted to the leaders of the Greek Cypriot and Turkish Cypriot sides, namely, the "Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem dated 26 March 2003", remained on the table. I indicated my readiness to resume my efforts if there was a clear and realistic prospect of finalizing negotiations, which I would judge to be the case if certain conditions set forth in my report were met.

2. In resolution 1475 (2003) of 14 April 2003, the Security Council gave its full support to my "carefully balanced plan" as a "unique basis for further negotiations", and called on all concerned to negotiate within the framework of my good offices, using the plan to reach a comprehensive settlement as set forth in my report.

3. Following communications and consultations that led me to believe that a new effort might be warranted, on 4 February 2004, I wrote to Tassos Papadopoulos, the Greek Cypriot leader, and Rauf Denktash, the Turkish Cypriot leader, inviting them to New York on 10 February to resume negotiations. In that letter I reiterated the terms in my report for a resumption of negotiations and made a number of procedural suggestions to facilitate negotiation and finalization. Both leaders accepted this invitation.

4. After three and a half days of talks, the parties agreed, on 13 February, to resume negotiations on the basis of the plan to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004. To that end, they committed themselves, in a first phase, to seek to agree on changes and to complete the plan in all respects by 22 March, within the framework of my mission of good offices, so as to produce a finalized text. They further agreed that, in the absence of such agreement, I would convene a meeting of the two sides, with the participation of Greece and Turkey, in order to lend their collaboration, in a concentrated effort to agree on a finalized text by 29 March. As a final resort, in the event of a continuing and persistent deadlock, the parties invited me to use my discretion to finalize the text to be submitted to separate and simultaneous referenda on the basis of the plan. The parties also agreed to other suggestions contained in my letter of 4 February.

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5. On 2 April 2004, my Special Adviser, Alvaro de Soto, briefed the Council on the negotiations that followed this agreement and on the culmination of the effort in the last week of March in Bürgenstock, Switzerland. Negotiations in Cyprus produced enormous progress at the technical level but little at the political level. When the talks moved to Bürgenstock, on 24 March, the Foreign Ministers of Greece and Turkey joined to lend their collaboration. However, due to differing views as to the appropriate format for direct meetings, it did not prove possible to have face-to-face meetings. The United Nations therefore sought, as it had in Cyprus in the week before Bürgenstock, to build bridges through consultations with all parties, in which it explored compromise suggestions and sought to ascertain the priorities of the parties and where they might be prepared to show flexibility to achieve them. Despite these efforts, there was little give and take. I joined the process on 28 March and submitted an overall bridging proposal on 29 March. On that day, the Prime Ministers of Greece and Turkey also joined the effort. Deadlock persisted, however, on key issues, as became apparent during consultations in the subsequent 48 hours. At that juncture, there was no reason to believe that further negotiations then or in the months to come would have produced a better result or different outcome.

6. On 31 March 2004, in Bürgenstock, after consultations and as invited by the parties, I finalized the text of the "Comprehensive Settlement of the Cyprus Problem", the text of which has been made available to the members of the Security Council and may be accessed at the web site www.annanplan.org. It was submitted under letters from me dated 31 March 2004 to the leadership on each side and the guarantors. As noted in those letters, and in accordance with the agreement of 13 February 2004, appendices A and B of the Comprehensive Settlement, namely the Foundation Agreement and the Constituent State Constitutions, are to be submitted by each side to referenda on 24 April.

7. In accordance with the plan, the parties are required to take a number of steps during April 2004, as set forth in appendix F. But, by agreement of the parties as stated in the plan, action is also required of the Security Council on three matters contained in appendix E, entitled "Matters to be submitted to the United Nations Security Council for decision".

II. Matters submitted to the United Nations Security Council for decision (pursuant to Appendix E of the Comprehensive Settlement of the Cyprus Problem)

8. Appendix E provides that:

"By agreement of the parties, the Security Council is requested to take decisions to enter into force simultaneously with the Foundation Agreement, in which the Security Council would:

"1. Endorse the Foundation Agreement and, in particular:

"(a) Take formal note that any unilateral change to the state of affairs established by the Foundation Agreement, in particular union of Cyprus in whole or in part with any other country or any form of partition or secession, is prohibited; and

"(b) Acknowledge the political equality and distinct identity of Greek Cypriots and Turkish Cypriots and the equal status of their constituent states in the United Cyprus Republic; and

"2. Prohibit the supply of arms to Cyprus in a manner that is legally binding on both importers and exporters; and

"3. Decide to maintain a United Nations peacekeeping operation in Cyprus, which shall remain so long as the federal government, with the concurrence of the constituent states, does not decide otherwise, and shall be authorized to deploy and operate freely throughout Cyprus with the following mandate:

"'To monitor the implementation of the Foundation Agreement and use its best efforts to promote compliance with it and contribute to the maintenance of a secure environment; and in particular:

"'(a) To monitor political developments related to implementation and provide advice and good offices as required;

"'(b) To monitor and verify compliance with the security provisions in the Foundation Agreement, including:

"'(i) the dissolution of the Greek Cypriot and Turkish Cypriot forces, including reserve units, and the removal of their arms from the island; and

"'(ii) The adjustment of Greek and Turkish forces and armaments to agreed levels;

"'(c) To monitor and verify compliance with the provisions in the Foundation Agreement pertaining to federal and constituent state police;[a]

"'(d) To use its best efforts to ensure the fair and equal treatment under the law of persons from one constituent state by the authorities of the other;

"'(e) To supervise the activities relating to the transfer of areas subject to territorial adjustment, including through assumption of territorial responsibility for agreed areas and time periods prior to transfer, without prejudice to local administration of the population;

"'(f) To chair, and provide administrative support to, the Monitoring Committee to be established under the Treaty between Cyprus, Greece, Turkey and the United Kingdom on matters related to the new state of affairs in Cyprus; and

"'(g) To implement its mandate through, for example, conducting patrols and establishing positions and roadblocks, as well as receiving complaints, making inquiries, presenting facts, giving formal advice and making representations to the authorities.

"'[a] Observation: the United Nations operation would not assume direct responsibility for the enforcement of law and order.'"

III. Importance and timing of Security Council decisions

9. The settlement is an attempt to resolve a dispute that has been on the agenda of the Security Council for 40 years, the oldest item continuously on the Secretary-General's peacemaking agenda. While its adoption is a matter for the people of Cyprus to decide upon, its implementation would clearly be in the interest of international peace and security in the region, and would thus fall within the primary responsibility of the Security Council.

10. As envisaged in the Comprehensive Settlement, the Treaty on Matters Related to the New State of Affairs in Cyprus would be signed into force on 29 April 2004 by Greece, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United Cyprus Republic. Accordingly, the Treaties of Establishment, Alliance and Guarantee of 1960 remain in force and shall apply, mutatis mutandis, to the new state of affairs, in the context of the commitment of the parties to international law and the principles of the Charter of the United Nations. There are detailed timetables for the dissolution of Greek Cypriot and Turkish Cypriot forces, withdrawal and adjustment of Greek and Turkish forces, redeployment of forces from areas subject to territorial adjustment and de-mining. The settlement also contains detailed provisions relating to the timing of the handover of administration of adjusted territory.

11. The scrupulous observance by all parties of the provisions and timetables contained in the comprehensive settlement, in particular those relating to security, is of vital importance. In this context, the decisions requested of the Security Council are a crucial part of the overall framework of the settlement. They would provide additional assurance that the settlement will be implemented in the framework of the principles of the United Nations, as set out in Article 2 of the Charter, including the resolution of disputes by peaceful means and refraining from the threat or use of force against the territorial integrity or political independence of any State.

12. It will be noted that, as part of the package enshrined in the plan, the parties request decisions to be taken by the Security Council to enter into force simultaneously with the Foundation Agreement. During the negotiations in 2002, the two sides indicated their preparedness to accept certain points related to the system of guarantees and the presence of moderate levels of Greek and Turkish troops, on the understanding that the two sides would be assured in advance of having to take the final decisions to accept the plan that a United Nations operation with an appropriate mandate would be authorized by the Security Council. The plan as first presented in November 2002 reflected this understanding as to timing of Security Council action and neither side requested any alteration to it during the subsequent negotiations. When he succeeded Glafcos Clerides as the Greek Cypriot leader, Mr. Papadopoulos indicated that he would not reopen issues already agreed upon. Accordingly, on 31 March, when the plan was finalized, I informed each party that I would be proceeding to refer these matters to the Security Council for decision.

13. In accordance with the plan, the Foundation Agreement would only enter into force after approval on both sides at referenda and the signature into force of the Treaty on Matters Related to the New State of Affairs in Cyprus contained in the plan by Greece, Turkey and the United Kingdom, after completion of their internal ratification procedures. The Treaty enters into force upon signature. Should the plan not be approved by both sides at referenda, or should any guarantor not have

completed their procedures and thus not be able to sign the Treaty into force by 29 April, the Foundation Agreement would be null and void and of no legal effect. I have received from all guarantors a commitment that, should the referenda be approved on 24 April, they will, after completion of their internal ratification procedures, sign the Treaty into force by 29 April.

14. Bearing in mind the understanding of the parties as reflected in the plan, and the mode of entry into force, I would request the Security Council to consider this submission in advance of the referenda on 24 April, and I would hope that the Council could reassure Cypriots, as they proceed to referenda, that the United Nations is prepared to act to meet the responsibilities foreseen for it under the plan. In accordance with the plan, the decisions would need to enter into force simultaneously with the Foundation Agreement on 29 April. Such decisions would naturally be contingent on entry into force of the Foundation Agreement, and be moot, and therefore null and void, if it did not enter into force for any reason.

IV. Proposed endorsement of the Foundation Agreement

15. The "Comprehensive Settlement of the Cyprus Problem", which was drawn up taking full consideration of relevant United Nations resolutions and treaties, as stated in Security Council resolutions 1250 (1999) and 1475 (2003), provides for a new state of affairs that is in full accordance with the Council's vision of a settlement.

16. Under the plan, the United Cyprus Republic is an independent State with a single international legal personality, sovereignty and citizenship, with union in whole or in part with any other country and any form of partition or secession expressly prohibited. Its federal government is designed to ensure that Cyprus speaks with one voice and can protect its integrity and borders.

17. The plan also refers to the distinct identity and integrity of the Greek Cypriots and the Turkish Cypriots and states that their relationship is not one of majority and minority but of political equality, where neither side may claim authority or jurisdiction over the other. Within the limits of the Constitution, the two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State, sovereignly exercise all powers not vested by the Constitution in the federal government, organizing themselves freely under their own constitutions.

18. These carefully balanced provisions are designed to address the worst fears of each side described in my report to the Security Council of 1 April 2003 (S/2003/398, paras. 74-77). In accordance with the agreement, the Council is requested to endorse the Foundation Agreement and to take particular steps to reassure the two sides that the Council is cognizant of their key concerns and endorses the means by which they are addressed in the agreement. The Council is requested to take formal note that any unilateral change to the state of affairs established by the Foundation Agreement, in particular union in whole or part with any country or any form of partition or secession, is prohibited. The Council is also requested to acknowledge the political equality and distinct identity of Greek Cypriots and Turkish Cypriots and the equal status of their constituent states in the United Cyprus Republic.

V. The proposed prohibition of the supply of arms to Cyprus

19. At key junctures in its history, the presence in, and flow to, Cyprus of arms and related materiel has served to fuel conflict. Conscious of this, at meetings held in mid-2002 the leaders agreed that, in the event of a comprehensive settlement, the Security Council should be requested to prohibit the supply of arms to Cyprus in a manner that is legally binding on both importers and exporters. The arms embargo is part of a broader understanding that Cyprus should be demilitarized and is seen as an important factor in ensuring the effective implementation of the Comprehensive Settlement and in eliminating further threats to international peace and security in the area. The embargo could be imposed until the Council were to decide otherwise, based, inter alia, on a request from the United Cyprus Republic and confirmation from the Secretary-General that the continued application of an arms embargo is no longer necessary for the maintenance of international peace and security.

20. The demilitarization foreseen in the plan includes the dissolution of all Greek Cypriot and Turkish Cypriot forces, including reserve units, and the removal of their arms from the island. The plan also provides for the withdrawal of all Greek and Turkish troops and armaments in excess of levels permitted under the 1960 Treaty of Alliance (950 Greek troops and 650 Turkish troops) in phases to be completed by 2018 or at the point of Turkey's accession to the European Union, whichever is earlier, and stipulates that there will be regular reviews thereafter, with the objective of total withdrawal by mutual consent. The plan further envisages that police personnel in the federal and constituent state police and the Joint Investigation Agency may only carry weapons appropriate for normal civilian police duties. The federal constitution also prohibits all weapons, except licensed sporting guns, and makes the supply of weapons a criminal offence.

21. Consistent with the plan, there would need to be exemptions from the embargo to accommodate relevant provisions of the Comprehensive Settlement and its appendices relating to the federal and constituent state police and the Joint Investigation Agency, the Treaty on Matters Related to the New State of Affairs in Cyprus, the Treaties of Establishment, Guarantee and Alliance and the Additional Protocols thereto, and the mandate of the United Nations operation.

VI. The proposed United Nations operation

22. As stated, the parties envisage an indefinite mandate that would continue so long as the federal government of the United Cyprus Republic, with the concurrence of both constituent states, does not decide otherwise. The indefinite mandate is of crucial importance to the overall security package contained in the plan. The fact that the United Cyprus Republic would bear the bulk of the costs of the operation (as described in paragraph 45) is designed to facilitate the accession of the Security Council to this important request.

23. It must be stressed that it is up to the parties to shoulder their responsibilities and to translate the Foundation Agreement into the political life of the United Cyprus Republic. At the same time, the agreement represents a delicate balance between the key concerns of the two sides. It would be unrealistic not to expect stresses and strains, given the violent past and the decades-long disconnect between the institutions and officials on the two sides. In addition, it is likely that some

groups will continue to oppose the new state of affairs for some time, until its benefits become fully apparent. In the circumstances, a United Nations peacekeeping operation is seen on both sides as an important confidence-building mechanism, which is expected to play an effective role in helping them overcome difficulties.

24. The operation must therefore have the capacity to play a substantive role and to stand firm in the face of challenges, including violent ones. It would thus be quite different from the current United Nations Peacekeeping Force in Cyprus (UNFICYP), whose main task is to maintain a de facto ceasefire. The new operation would have a more substantive political role and would work actively to promote the implementation of a complex agreement, inter alia, by seeking to identify issues at an early stage and taking the initiative to prevent them from turning into intractable problems. It would also need to be more intrusive than UNFICYP in order to carry out its task of verifying the dissolution or adjustment of forces. The United Nations role would not affect rights and obligations under the Treaties of Guarantee and Alliance.

25. The United Nations peacekeeping operation must enjoy the privileges and immunities, freedom of movement, communication and access, as well as other facilities necessary for the performance of its tasks. As envisaged in the Foundation Agreement, it would be authorized to deploy and operate throughout the United Cyprus Republic, with particular focus on the areas subject to territorial adjustment, ports and airports, demobilization and disarmament sites and other areas of interest. The United Nations would conclude a status-of-mission agreement with the Government of the United Cyprus Republic as soon as possible.

VII. Tasks of the United Nations operation

26. The overall task of the operation would be to monitor the implementation of the Foundation Agreement in its entirety and use its best efforts to promote compliance with it. The operation would need to have the capacity to keep abreast of political, legal, judicial, administrative and security developments. It would maintain close coordination and cooperation with the relevant authorities of the federal government, the constituent states and other actors, and would require unhindered access to relevant information. In promoting compliance with the Agreement, the operation would advise, support and assist the authorities on the implementation of the Agreement, and would provide good offices, as necessary. It would also chair the Monitoring Committee, charged with monitoring the implementation of the Agreement and making recommendations on developments that may endanger its implementation. The Monitoring Committee brings together all the main actors in the Agreement, representatives from each guarantor power, the federal government, and each constituent state, to ensure that issues are addressed and resolved before they become intractable. It should be noted that, in accordance with the plan, the members of the Committee undertake to cooperate with the United Nations operation and to act in good faith on the recommendations of the Monitoring Committee. They shall also request the United Nations to bring to its attention any significant change the United Nations may wish to make in the future to the operation. The operation would also chair the Transitional Committee, which is to deal with issues relating to territorial adjustment and the presence in a constituent state of persons holding the internal constituent state citizenship status of

the other constituent state, as well as the Relocation Board. It would also work closely with the Reconciliation Commission and the Committee on Missing Persons.

27. In order to contribute to the maintenance of a secure environment, including law and order, the operation would need to monitor developments related to security throughout the island and aim to pre-empt, prevent and deter the escalation of imminent security threats, mainly through conducting patrols, including joint patrols with the local police, and establishing checkpoints. It would also be equipped to provide security assistance to the local police, as required, as well as assistance in maintaining freedom of movement. The operation would seek to assist in building confidence through its presence on the island and the conduct of confidence-building activities, including monitoring of the local police, receiving complaints, making inquiries and ensuring prompt responses, giving formal advice and making representations to the authorities, as needed, as well as reporting. To accomplish this task, the operation would formally liaise through established channels with the relevant federal and constituent states authorities responsible for security and law and order on the island at all levels. The maintenance of law and order and public safety would remain the responsibility of those authorities but the operation would assist and support them, if necessary.

28. In accordance with the mandate, the operation would monitor and verify the withdrawal of forces from the ceasefire lines and related areas in accordance with the agreed schedules; the dissolution of the Greek Cypriot and Turkish Cypriot forces, including reserve units, and the removal of their arms from the island, and the adjustment of Greek and Turkish forces and equipment to agreed equal levels. To carry out these activities, the operation would liaise closely with the federal state authorities, the Greek Cypriot and Turkish Cypriot authorities in the constituent states, and the Greek and Turkish military authorities. The United Nations operation would: require unhindered freedom of movement and access to military locations in order to fulfil its mandate; visit compounds of Greek and Turkish troops; visit assembly areas and cantonment locations, for example for the storage of arms, ammunition and military equipment; and monitor the points of embarkation of personnel and material in ports and airports. It would also verify the collection, destruction or other disposal of military equipment, ammunition and explosives and provide technical assistance for such activities, if required.

29. The United Nations operations would cooperate with and provide advice to the relevant military forces, as they clear the areas that they have mined. The operation would also receive from them and maintain relevant records, technical information and maps concerning such areas.

30. Once the dissolution of the Greek Cypriot and Turkish Cypriot forces and reserve units and the adjustment of the Greek and Turkish forces and equipment to the agreed levels have been accomplished, the operation would monitor and verify the level and activities of the Greek and Turkish forces remaining in Cyprus, as well as compliance with the principle of demilitarization of the island and the implementation of other security provisions by the parties, as contained in the Foundation Agreement. The operation would contribute to the control of the demilitarization of the island and the arms embargo through liaison with relevant entities, monitoring of the quartering of residual Greek and Turkish troops and cantonment locations for the storage of arms, ammunition and military equipment.

31. To carry out its task of monitoring and verifying compliance with the provisions of the Foundation Agreement pertaining to the police of the federal and constituent states, the operation would monitor and verify that police activities at both the federal and constituent state levels are carried out in accordance with the Foundation Agreement and the relevant constitutional and federal laws. The operation would thus verify that police of the constituent states are stationed and operate exclusively within their respective constituent states and that the respective police services do not exceed the strength permitted by the agreement and do not assume responsibilities beyond normal police activities. It would also monitor the number and types of weapons held by the police and their respective compositions, in accordance with the Agreement. The operation would also monitor the enforcement by the police services of the prohibition provided for in the Agreement on arms held by the public. This would require that the United Nations operation liaise closely with all police authorities and have free access to all police and detention facilities, police records and investigation files. The operation would also monitor and verify the provisions of the Agreement relating to the Joint Investigation Agency.

32. The operation would put forth its best efforts to ensure that the authorities of the federal and constituent states provide fair and equal treatment under the law of persons from one constituent state by the authorities of the other, with a particular focus on police, property, civil documents and status, returns, resettlement, special measures for people in areas subject to territorial adjustment, community affairs, freedom of movement, residency, representation in the public service and other bodies, cultural and educational rights and use of languages.

33. The operation would supervise activities relating to the transfer of areas subject to territorial adjustment, with particular focus on the handover of property, returns, resettlement of persons, freedom of movement, crossing points, restrictions on residence and effective redress of grievances, as well as security, demilitarization and the appropriate marking of the areas as transfer takes place. It would also ensure that special arrangements, as stipulated in the Foundation Agreement, are put in place to safeguard the rights and interests of current inhabitants of the areas subject to territorial adjustment and their orderly relocation. The operation would promote compliance with the provisions of the Agreement relating to the areas subject to territorial adjustment, through its presence on the ground, its supervisory responsibilities as well as its participation in the Transitional Committee and the Relocation Board. The operation would liaise closely with all relevant authorities and offer advice, support and good offices, as necessary. The operation would also undertake inquiries, upon complaints received, or of its own initiative, on alleged non-compliance with the provisions relating to civilian matters in the Agreement.

34. The transfer of the areas subject to territorial adjustment is to take place in six phases. While the areas would be legally part of the Greek Cypriot State upon entry into force of the Foundation Agreement, their administration would be entrusted to the authorities of the Turkish Cypriot State for specified periods until the date for transfer to the entitled Greek Cypriot State. During the last months of phases three to six, supervision by the United Nations would be enhanced and the Organization would assume territorial responsibilities in the area concerned. This arrangement is designed to provide additional assurance that the handover will take place on time and in good order. The United Nations would deploy additional personnel in these areas as it assumes more formal responsibilities, albeit without prejudice to the local

administration of the daily lives of the local population. During those periods, the operation would have authority to give directives to local officials, precluding a local official from duty in the area if necessary; the operation's civilian police would have full powers in the respective area and have the right to give operational instructions to the local police.

VIII. Structure of the United Nations operation

35. To accomplish the tasks set forth above, the operation would require a strong civilian component; civilian police, including formed police units operating in accordance with police rules of engagement; and a credible military force, including military observers. All components of the operation, in addition to implementing their specific tasks, would work together and support one another in carrying out the overall mandate. The United Nations personnel and troops would be deployed at common locations, wherever possible, with an emphasis on mobility and flexibility. The military would support and back up the civilian police in case of disturbances, subject to specific arrangements.

36. The operation would be unified and integrated. There would be a clear chain of command from the Security Council through the Secretary-General to the Special Representative of the Secretary-General, who would have authority to manage all activities of the operation. The Special Representative would also have authority over other United Nations activities in Cyprus in support of this mandate and would provide coordination, political guidance and support to them. A Deputy would be appointed to assist the Special Representative, to act as head of mission in his absence and to perform other substantive activities, as assigned.

37. The office of the Special Representative of the Secretary-General would be supported by Political, Legal and Public Information Offices, Mission Security, a Reporting Unit, a Best Practices Unit, as well as Special Advisers on Human Rights, Gender, HIV/AIDS and Mine Action, and the Resident Auditor. The Deputy Special Representative of the Secretary-General would supervise the work of some of these units, in particular the Joint Mission Analysis Cell, which would collect and analyse information from all sources in order to make informed assessments and provide advice to the senior mission leadership. The Special Representative of the Secretary-General's chief of staff would be responsible for coordination within the operation, channelling communication to and from the Special Representative to all the components of the operation, and the day-to-day managing of the office.

38. The mission would have four main components:

(a) A civilian component with three units: monitoring and promotion of the implementation of the Agreement; supervision of territorial adjustments; and civil affairs. The component would maintain field offices, especially in the areas subject to territorial adjustment;

(b) A police component, which would be deployed in and patrol primarily the areas subject to territorial adjustment, prospective return and relocation areas and crossing points at the administrative boundary. It would also maintain a presence alongside the federal and constituent state police structures and local police headquarters at the district and lower administrative levels, as necessary. The United Nations civilian police officers would be unarmed, but would be supported by

formed, armed United Nations civilian police units, which would also support the local police in case of civil disturbances. Those units would operate in accordance with police rules of engagement;

(c) A military component, comprising four mechanized battalions, helicopter and other support elements and unarmed military observers. All elements would operate under a single chain of command. The military component would provide security and support to the United Nations police, as necessary. Upon entry into force of the Foundation Agreement, the troops currently assigned to UNFICYP would shift to a mobile concept of operations island-wide;

(d) A support component with units for communications and other technical services, finance, procurement, civilian personnel, general services and other related services.

IX. Support component of the United Nations operation

39. The initial task of the support component would be to establish the essential infrastructure required to reach operational capacity within 90 days from the establishment of the operation and to maintain that capacity throughout its different phases. Activity is expected to reach its peak during the preparations for and transfer of areas subject to territorial adjustment, that is, in the second and third year of the operation.

40. While UNFICTP is being liquidated, full use will be made of its support structure in the establishment of the new operation. Support to military units operating out of Nicosia and the three sector headquarters would follow United Nations standards for self-sustainment. Civilian police, military observers and civilian staff would be stationed in regional offices and various other locations throughout Cyprus and would be supported accordingly, mainly with office accommodation, security, medical services, communications and transport.

41. Since the mobility of military and civilian police units would be essential to the success of the operation, substantial transport assets would be made available for this purpose. An airlift capability of up to 40 personnel would also be provided in order to address emergency situations that may arise, especially during the various phases of territorial adjustment.

42. A financial commitment authority would be required to cover anticipated expenditures until 30 June 2004. Initial requirements for personnel and equipment would be met through the rapid deployment mechanisms that the United Nations has put in place as a result of the recommendations made in the report of the Panel on United Nations Peace Operations (S/2000/809), including the strategic deployment stocks, and would be moved into theatre by a combination of strategic airlift and sealift or through local procurement where time is of the essence. Supplies such as fuel and rations would be drawn from existing UNFICYP contracts modified for the new operation, as necessary, or by establishment of new contracts.

43. The support operations would fully integrate the operation's military, civilian staff and United Nations civilian police and would be controlled and managed under the integrated support services concept, whereby all military, civilian and civilian police support requirements are pooled for optimal effectiveness and efficiency.

44. At full deployment, the operation would have 2,500 troops, including 170 military observers, 330 civilian police and two formed police units (120 police officers each), substantive international staff and local staff from both constituent states, as well as the required international and local support staff.

45. Should the Foundation Agreement enter into force, the United Cyprus Republic would be committed to bearing half the cost to the United Nations of the operations in the first three years, and two-thirds of the cost thereafter. This arrangement would be reviewed in 2010.

X. Security for the United Nations operation

46. The security for the operation and its personnel would be primarily the responsibility of the host country. In addition, the military component and the formed police units could be called upon to provide security for the operation. Currently, there is no security phase in effect in Cyprus. Accordingly, "No-Phase" Minimum Operating Security Standards (MOSS) requirements, as prescribed by the United Nations Security Coordinator, will be met.

XI. Phases of the United Nations operation

47. From the entry into force of the Foundation Agreement, to the deployment of core staff, including the senior management of the new operation, UNFICYP would become the advance party of the new United Nations peacekeeping operation. However, in contrast to UNFICYP, the new operation would need to be far more mobile and proactive. Key staff, in particular the senior leadership and its political and legal advisers, as well as from the civilian component and the administration, would be identified and deployed in key areas as early as possible. They would support the senior staff in the planning and conduct of the operation. The core group of United Nations civilian police officers, including the Police Commissioner, the Deputy Police Commissioner, the planning team, operations officers and support staff, should also be deployed within the first weeks of the operation's deployment.

48. Within 90 days of its inception, the operation would aim to reach full deployment, in particular of the civilian personnel, which should be at full strength. The operation would upgrade the current United Nations military headquarters, deploy additional troops and establish military observer and civilian police teams throughout the island. They would immediately start implementation of the mandate with the available resources. This would include verification of the security provisions of the Agreement near the buffer zone, confidence-building patrols throughout the island and support to the United Nations civilian police, if required.

49. The first phase of territorial adjustment would be completed 104 days after inception and the second phase six months after inception. Both phases will mainly affect currently uninhabited areas. The following phases would affect increasingly large and more inhabited areas: the third phase to be completed 15 months; the fourth, 30 months; the fifth, 36 months; and the sixth, and last, 42 months after inception. During these phases, the operation would have to carry out the enhanced supervisory functions necessitating that the operation has deployed a strong presence at all levels during those periods.

50. The first 104 days would be fundamental to the establishment of the new mandate and operation. It is envisaged that the period from 104 days after inception until the end of the territorial transfers would be the most sensitive, given the wide range of mandated activities concerning the areas subject to territorial adjustment, the dissolution of the Greek Cypriot and Turkish Cypriot forces and the adjustment of the Greek and Turkish forces to agreed levels. At the end of this period, the operation should be expected to focus more on the general terms of its mandate, including monitoring the implementation of the Agreement, to use its best efforts to promote compliance and to contribute to a secure environment. At that time, the operation would reassess its strength in light of the implementation of the Agreement, compliance by the parties, security and public safety environment and the process of territorial adjustment.

XII. Observations

51. In the 24 April 2004 referenda, to which the two sides committed themselves in the agreement of 13 February, the people of Cyprus would be pronouncing themselves on a plan that emerged from four years of intensive negotiations and consultations. The consequences of the decision they make, whatever that decision is, will be very significant. The outcome is far from certain. The plan is complex and delicately balanced. Inevitably, as in any negotiation, it is a compromise. The presentation of the contents of the plan to the public has not always been equally balanced. Even though finalized by me at the invitation of the parties, the plan's core concepts and key trade-offs, as well as the bulk of the many texts included, are largely the work of Cypriots. The plan is the only available and foreseeable route to the reunification of Cyprus. It must be judged as a whole, bearing in mind the available alternatives and weighing the consequences of deciding for or against. The decision before the people is theirs alone to make.

52. Timely action by the Council would go a long way to reassuring the people, as they vote on the future of their country, that the settlement will have the strong support of the United Nations and that its security provisions will be fully implemented.

53. The Council is therefore requested to take decisions on the matters referred to in paragraph 8 above, to enter into force simultaneously with the Foundation Agreement on a contingency basis, subject to the outcome of the referenda.